Palm Beach County

Land Development Regulation Advisory Board (LDRAB)
Land Development Regulation Commission (LDRC)

December 16, 2020

Board Members

Wesley Blackman, AICP, Chair (PBC Planning Congress)
Dr. Lori Vinikoor, Vice-Chair (District 5)

Joanne Davis (District 1)                Jaime M. Plana (American Institute of Architects)
Drew Martin (District 2)                 Susan A. Kennedy (Environmental Organization)
Ari Tokar (District 3)                   Frank Gulisano (Realtors Association of the Palm
Jim Knight (District 4)                  Beaches)
Myles Basore (District 6)                Jim Sullivan (Florida Surveying and Mapping
Robert J. Harvey (District 7)            Society)
Daniel J. Walesky (Gold Coast Builders  Charles Drawdy (Assoc. General Contractors of
Association)                             America)
Anna Yeskey (Palm Beach League of Cities) Tommy B. Stroud (Alternate At-Large #1)
Terrence Bailey (Florida Engineering Society) Abraham Wien (Alternate At-Large #2)

Board of County Commissioners

Dave Kerner
Mayor, District 3

Robert S. Weinroth
Vice Mayor, District 4

Maria G. Marino
Commissioner, District 1

Gregg K. Weiss
Commissioner, District 2

Maria Sachs
Commissioner, District 5

Melissa McKinlay
Commissioner, District 6

Mack Bernard
Commissioner, District 7

County Administrator
Verdenia C. Baker

“An Equal Opportunity – Affirmative Action Employer”
2300 North Jog Road, West Palm Beach, Florida 33411-2711 (561) 233-5200

LDRAB/LDRC Meeting December 16, 2020
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

WEDNESDAY, DECEMBER 16, 2020 AGENDA
KENNETH S. ROGERS HEARING ROOM (VC-1W-47)/COMMUNICATIONS MEDIA TECHNOLOGY (CMT)
2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB
   1. Roll Call
   2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
   3. Introductions – Mr. Jim Knight as a New Board Member
   4. Additions, Substitutions, and Deletions
      a. Staff
      b. Board Member
   5. Motion to Adopt Agenda
   6. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS – NEW
   1. Exhibit B Art. 1, 2, 7, and 14, Vegetation Preservation and Protection 1 – 10
   2. Exhibit C Art. 3 and 5, Recreation Areas and Amenities 11 – 13
   3. Exhibit D Art. 4, Commercial Communication Tower Collocation Procedures 14 – 15
   4. Exhibit E Art. 1 and 4, Minimum Frontage, Access, and Roads 16 – 21

C. CONVENE AS LDRC
   1. Proof of Publication
   2. Consistency Determination for Exhibits B-E 22 – 22

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. STAFF COMMENTS
   1. Update on LDRAB Subcommittees
      a. Community Residential Housing (CRH)
      b. Electric Vehicle Charging Stations (EVCSs)

F. BOARD MEMBER COMMENTS

G. ADJOURNMENT
On Wednesday, October 28, 2020, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:01 p.m. Mr. Alexander Biray, Code Revision Site Planner I, called the roll.

<table>
<thead>
<tr>
<th>Members Present: 15</th>
<th>Members Absent: 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joanne Davis (District 1, Commissioner Valeche)*</td>
<td>Daniel J. Walesky (Gold Coast Builders Association)</td>
</tr>
<tr>
<td>Drew Martin (District 2, Commissioner Weiss)</td>
<td>Myles Basore (District 6, Commissioner McKinlay)* ****</td>
</tr>
<tr>
<td>Ari Tokar (District 3, Commissioner Kerner)*</td>
<td>Abraham Wien (Alternate At-Large #2)</td>
</tr>
<tr>
<td>Glenn E. Gromann (District 4, Commissioner Weinroth)</td>
<td></td>
</tr>
<tr>
<td>Dr. Lori Vinikoor (District 5, Commissioner Berger)</td>
<td>County Staff Present: 18</td>
</tr>
<tr>
<td>Robert J. Harvey (District 7, Commissioner Bernard)*</td>
<td>Ramsay J. Bulkeley, Planning, Zoning and Building Executive Director*</td>
</tr>
<tr>
<td>Terrence Bailey (Florida Engineering Society)*</td>
<td>Jon MacGillis, Zoning Director*</td>
</tr>
<tr>
<td>Anna Yeskey (League of Cities)*</td>
<td>Wendy N. Hernández, Deputy Zoning Director</td>
</tr>
<tr>
<td>Jaime M. Plana (American Institute of Architects)*</td>
<td>Jeff Gagnon, Principal Site Planner</td>
</tr>
<tr>
<td>Susan A. Kennedy (Environmental Organization)</td>
<td>Adam Mendenhall, Senior Site Planner</td>
</tr>
<tr>
<td>Frank Gulisano (Realtors Association of the Palm Beaches)</td>
<td>Jerome Ottey, Site Planner II</td>
</tr>
<tr>
<td>Jim Sullivan, Florida Surveying and Mapping Society*</td>
<td>Zubida Persaud, Site Planner II*</td>
</tr>
<tr>
<td>Charles D. Drawdy (Assoc. General Contractors of America)*</td>
<td>Alexander Biray, Site Planner II</td>
</tr>
<tr>
<td>Wesley Blackman (PBC Planning Congress)</td>
<td>Robert P. Banks, Chief Land Use County Attorney</td>
</tr>
<tr>
<td>Tommy B. Strowd (Alternate At-Large #1)*</td>
<td>Scott A. Stone, Assistant County Attorney I</td>
</tr>
<tr>
<td>Vacancies: 0</td>
<td>Patricia Behn, Planning Director*</td>
</tr>
<tr>
<td></td>
<td>Bryan Davis, Principal Planner</td>
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<tr>
<td></td>
<td>Bruce O. Thomson, Principal Planner*</td>
</tr>
<tr>
<td></td>
<td>Carolina Valera, Senior Planner*</td>
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<td></td>
<td>Michael R. Howe, Senior Planner*</td>
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<td></td>
<td>Joanne Keller, Land Development Director*</td>
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<td></td>
<td>Denise Pennell, Westgate Community</td>
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<tr>
<td></td>
<td>Redevelopment Agency Senior Planner*</td>
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<tr>
<td></td>
<td>Mark Meyer, Environmental Resources Management Site Planner II*</td>
</tr>
</tbody>
</table>

* Present via Webex Events.
*** Mr. Drawdy arrived at 2:03 p.m.
**** Mr. Martin arrived at 2:08 p.m.
***** Mr. Basore was present via Webex Events, but could not be heard and consequently was marked absent.

** Mr. Drawdy arrived at 2:03 p.m.

2. Additions, Substitutions, and Deletions

There were no additions, substitutions, and deletions. Ms. Hernández noted the attendance of fourteen members, but will be unable to count Mr. Basore unless he can be heard.

3. Motion to Adopt Agenda

Motion to adopt the Agenda, by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed unanimous (14-0).

4. Adoption of September 23, 2020 Minutes (Exhibit A)

Motion to adopt the Minutes, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimous (14-0).

5. Public Comments

There were no public comments. Ms. Hernández reminded that Webex users will have the opportunity to speak using the “Raise Hand” function. She also noted no electronic Comment Cards submitted.
B. ULDC AMENDMENTS – NEW
1. Exhibit B – Art. 2, Waiver Summary Tables Consolidation
   Ms. Hernández explained the amendment adds clarification on Table Headings for Type 1 and Type 2 Waivers, and adds missing ones and their references that exist throughout the Code.
   a. Discussion
   Mr. Blackman noted the amendment is housekeeping.
   Motion to approve, by Mr. Gromann, seconded by Dr. Vinikoor. The Motion passed unanimous (14-0).

2. Exhibit C – Art. 2, Removal of the Building Division from DRO Agency Review
   Ms. Hernández explained the amendment removes the Building Division's request, them from DRO review because projects are already reviewed when submitted later for Building Permit review.
   a. Discussion
   Mr. Blackman noted the redundancy. Ms. Hernández responded that Building plans are not always submitted at DRO review.

*** Mr. Martin arrived at 2:08 p.m.
   Motion to approve, by Dr. Vinikoor, seconded by Mr. Gromann. The Motion passed unanimous (15-0).

3. Exhibit D – Art. 5, Westgate CRA Overlay Workforce Housing Program Exemption
   Ms. Hernández explained the amendment references Density Bonus Pool requirements of the Westgate Community Redevelopment Area Overlay (WCRAO) amendment in Exhibit G for consistency.
   a. Discussion
   No discussion.
   Motion to approve, by Mr. Gulisano, seconded by Mr. Martin. The Motion passed unanimous (15-0).

C. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 2:10 p.m.

1. Proof of Publication
   Motion to accept Proof of Publication by Mr. Gromann, seconded by Mr. Martin. The Motion passed unanimous (15-0).

2. Consistency Determination for Exhibits B-J
   Mr. Blackman noted the Comprehensive Plan Consistency Determination for Proposed ULDC Amendments memo from Mr. Bryan Davis, Principal Planner of the Planning Division, stating the proposed amendments Exhibits B through J are consistent with the Comprehensive Plan.
   Ms. Hernández explained Exhibits E and I have no changes, Exhibit F incorporates the LDRAB Motion, Exhibit G corrects typographical spelling errors in addition to the removal of the sky exposure plane definition in Article 1 as the pertinent Section of Article 3 is stricken out, Exhibit H incorporates the LDRAB Motion and corrects grammatical errors, and Exhibit J incorporates the LDRAB Motion.
   Motion to approve, by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed unanimous (15-0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB
The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 2:13 p.m.

E. STAFF COMMENTS
Ms. Hernández introduced Mr. Jeff Gagnon as the new Principal Site Planner of the Code Revision Section, filling her previous position after being promoted to Deputy Zoning Director in May. Several Board members congratulated Staff. She also noted the scheduled November LDRAB meeting is canceled and to anticipate meeting in December.

Mr. Stone noted the Governor’s Executive Order (EO) not requiring a physical quorum is due to expire November 1st at midnight, and strongly advised not to expect another extension. He noted if a physical quorum is present, other Board members may use CMT following a vote of “extraordinary circumstances”. Mr. Blackman clarified for LDRAB meetings that nine members would have to be present for a quorum.
Dr. Vinikoor asked for clarification on the vote. Mr. Stone responded that it would follow the expiration of
 Minutes of October 28, 2020 LDRAB/LDRC Meeting

the EO at the beginning of each meeting. He also noted several Attorney General Opinions have argued in favor of allowing attendance remotely under normal circumstances if there are construed “extraordinary circumstances.”

F. BOARD MEMBER COMMENTS

Mr. Gulisano asked when the next LDRAB meeting is in December. Ms. Hernández responded that it is on December 16th.

Mr. Blackman asked Dr. Vinikoor for an update on the Community Residential Housing Subcommittee. Dr. Vinikoor responded that the kick-off meeting on October 13th set up goals and dates for the future meetings. She was elected the Chair and Mr. Blackman the Vice Chair, with the first meeting to take place following.

Mr. Martin commented that environmental groups may challenge the County’s interpretation of tree and landscaping ordinances where an arborist may allow a tree to be removed without permit or replacement based on something being wrong with the tree, and the County should hold back on interpretation. He further expressed concern about Homeowners’ Associations removing trees on a mass scale, and not replacing with a 50-percent native requirement. He noted a recent news article from The Palm Beach Post and pending lawsuit against Tivoli Lakes.

Mr. Blackman noted through the PBC Cooperative Extension service, the Native Canopy Plant Giveaway Program offered by the County, and the only requirement is to be a resident, both incorporated and unincorporated. Mr. Gulisano asked for the link. Mr. Blackman responded that he will provide it Staff to distribute to Board members.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:21 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5243.
EXHIBIT B

ARTICLE 7 – LANDSCAPING

ARTICLE 14 – ENVIRONMENTAL STANDARDS

VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 12/01/20)

Part 1. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms (pages 71 and 109 of 111, Supplement 28), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning/ERM]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To add a definition for Naturalized Tree.</td>
</tr>
<tr>
<td>2. To add an acronym for Protection of Native Vegetation (PNV).</td>
</tr>
</tbody>
</table>

CHAPTER H DEFINITIONS AND ACRONYMS

Section 2 Definitions

N. Terms defined herein or referenced in this Article shall have the following meanings:

9. Natural Disaster Damage – loss in structural integrity due to an act of nature such as hurricane, tornado, wildfire, or flood. This does not include fire, termites, and other damages not related to those listed herein. [Ord. 2010-005]

10. Naturalized Vegetation – native plant species of an undetermined origin that are established on site.

101. Nautical Mile – for the purposes of Art. 16, Airport Regulations, a unit of length used in air navigation, based on the length of one minute of arc of a great circle, and equivalent to U.S. unit equal to 1,852 meters, or 6,076 feet. [Ord. 2010-005]

Section 3 Abbreviations and Acronyms

PMSP Preliminary Master Sign Plan [Ord. 2009-040]
PNV Protection of Native Vegetation
PO Public Ownership [Ord. 2005-002]

Part 2. ULDC Art. 2.A.5, Application Processes and Procedures, General, Pre-Application Conference (PAC) and Pre-Application Appointment (PAA) (page 16 of 101, Supplement 28), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning/ERM]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Applicants are required to meet with Zoning or ERM Staff prior to submitting an application for the preservation, relocation, mitigation, etc. of existing vegetation on a parcel. This requirement is being added to Table 2.A.5, PAC and PAA.</td>
</tr>
</tbody>
</table>

CHAPTER A GENERAL

Section 5 Pre-Application Conference (PAC) and Pre-Application Appointment (PAA)

It is mandatory for the Applicants to meet with Staff prior to the official submittal of applications that are listed in Table 2.A.5, PAC and PAA to identify issues related to the proposed request(s), and ensure the requests are in compliance with the applicable Comprehensive Plan or Codes. [Ord. 2018-002]

<table>
<thead>
<tr>
<th>Table 2.A.5 – PAC and PAA</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAC</td>
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<tr>
<td>----</td>
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<tr>
<td>----</td>
</tr>
<tr>
<td>PO Deviations (3)</td>
</tr>
</tbody>
</table>

[Ord. 2018-002] [Ord. 2019-005]

Notes:

3. The Zoning Director in consultation with the Applicant may determine a formal PAA is not required based on general discussions on this request. [Ord. 2019-005]

4. Pursuant to Art 7.E, Existing Native Vegetation Prohibited and Controlled Plant Species, an Applicant shall meet with the Zoning Division and the Department of ERM prior to the submittal of an Application for a Development Permit to address the preservation of native vegetation on the affected site.

Notes:

Underlined indicates new text.
Strikethrough indicates text to be deleted. Strikethrough and italicized means text to be totally or partially relocated.

If being relocated destination is noted in bolded brackets [Relocated to: ].
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... A series of four bolded ellipses indicates language omitted to save space.


EXHIBIT B

ARTICLE 7 – LANDSCAPING

ARTICLE 14 – ENVIRONMENTAL STANDARDS

VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29

(Updated 12/01/20)

Part 3. ULDC Art. 7.E, Landscaping, Existing Native Vegetation, Prohibited, and Controlled Plant Species (pages 47 and 48 of 58, Supplement 28), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning/ERM]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To modify the Pre-Application Appointment to clarify that the this appointment will also determine if the existing vegetation is subject to the requirements of Article 7 or Article 14, and thus the Division/Department Zoning or ERM whom enforces the Code provision.</td>
<td></td>
</tr>
<tr>
<td>2. Some references to ERM are also being removed so as to mainly restrict provisions in Art. 7, Landscaping to vegetation controlled by Zoning and restrict the ERM provisions to Art 14, Environmental Standards.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES

Section 1 Purpose

To establish standards and requirements for the preservation of existing native vegetation, removal of prohibited species, and reduction of controlled species. For the purpose of this Article, existing native vegetation includes native trees, palms, and pines and are required to be incorporated in the site for any application with the vegetation required pursuant to this Article for any application that is subject to a DO. Existing native vegetation may satisfy the landscape requirements in this Article, in total or in part. In determining whether native vegetation satisfies the requirements of this Article and the goals of Art. 14.C, Vegetation Preservation and Protection, either one or both of the following shall be considered: [Ord. 2018-002]

A. The effectiveness of utilizing the existing vegetation as visual screening and re-establish a natural habitat for the existing vegetation; or [Ord. 2018-002]
B. The quality and species of the vegetation being preserved. [Ord. 2018-002]

Section 2 Authority and Review Procedures

The Zoning Director shall have the authority to require the preservation of vegetation on-site that is not covered under Art. 14.C, Vegetation Preservation and Protection, subject to the following: [Ord. 2016-016] [Ord. 2018-002]

A. Pre-application Appointment (PAA)

The Applicant shall meet with the Zoning Division and the Department of Environmental Resources Management (ERM) prior to the submittal of the application. Staff shall coordinate with the Applicant and ERM to address the preservation of native vegetation in the early stage of development review, and to resolve design issues to the greatest extent, without impacting the timeline for certification or approval of the application. Staff may request conduct a site visit with the Applicant to determine whether the existing vegetation is worthy of preservation and whose authority the vegetation falls under, and inform the Applicant of the necessary application requirements, including a Vegetation Survey to be submitted as part of the Zoning application. Vegetation that has been determined to be under the authority of ERM, shall be subject to the requirements of Art. 14.C, Vegetation Preservation and Protection. [Ord. 2018-002]

B. Review and Permit Procedures

The Zoning Division and ERM shall collaborate on the review of all applications that require preservation of existing vegetation through: PAA; site visits; site design to maximize preservation; and when appropriate, Conditions of Approval shall be imposed to ensure the requirements are being monitored at Land Development review and Building Permit stages. [Ord. 2018-002]

Part 4. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 33 and 34 of 51, Supplement 26), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning/ERM]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The purpose of this amendment is to modify several references to improve clarity and be consistent with the terminology used within Art. 14.C, Vegetation Preservation and Protection.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\12-Dec\20\2020\5-LDRAB\LDRC Packet\Exh. B - CR 2019-0022 and 29 Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:
- Underlined indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].
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LDRAB/LDRC Meeting

December 16, 2020

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ARTICLE 7 – LANDSCAPING

ARTICLE 14 – ENVIRONMENTAL STANDARDS

VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 12/01/20)

Section 4  Applicability

A. This Chapter shall apply within the unincorporated areas of PBC, Florida.
B. PBC shall have regulatory authority over the alteration or removal of non-native and native upland vegetation, and the establishment and maintenance of upland preserve areas.
C. Terms specific to this Chapter are defined in Art. 1.H, Definitions and Acronyms. Terms not defined in this Chapter shall be defined pursuant to Chapter 62, F.A.C., the document entitled, “Basis of Review” (BOR), as amended, for Applications within the South Florida Water Management District, dated November 1996, and Art. 1.H, Definitions and Acronyms, of this Code, as may be amended from time to time. In the event that a term is defined in Chapter 62, F.A.C., or the BOR, the BOR shall prevail. [Ord. 2008-040]
D. Vegetation subject to the authority of this Article is defined as native plant species that are located on the site through natural recruitment, specimen native trees, or naturalized vegetation. Trees planted as a result of the requirements of Art. 7, Landscaping are not subject to this Article.

Section 7  Protection of Native Vegetation Approval – Application, Process, and General Standards

A. General

The application process and procedure set herein apply to the requirements for a Protection of Native Vegetation (PNV) approval. The applications shall be submitted to ERM and in a manner and forms established by ERM, unless otherwise stated herein. ERM shall review all applications that require preservation of existing vegetation.

AB. Single Family Dwellings

All newly constructed Single Family Dwellings (SFDs) in a residential subdivision shall automatically receive a Building Division Residential 1 & 2 Family Checklist with standard native vegetation, and non-native vegetation removal conditions as part of the Building Permit process. For the purposes of this Chapter, a Single Family (SF) residential parcel also includes SF; Zero Lot Line; and Townhouse or Multifamily single two-unit; (duplex) residences and associated accessory structures, and shall comply with the following standards: [Ord. 2008-040] [Ord. 2012-027] [Ord. 2018-018]

1. Removal of native vegetation shall be limited to the minimum necessary to accomplish the purpose of the site plan. The Building Division Checklist shall include requirements that ensure the intent of this provision is implemented. [Ord. 2008-040] [Ord. 2018-018]
2. Complete Removal or eradication of prohibited invasive non-native vegetation, as identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002] [Ord. 2008-004]

Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for Single Family residences, single two-unit (duplex) residences, and accessory structures associated with Single Family residential parcels SF residential parcels in existence as of the date of the adoption of this Chapter are void and of no effect, and all pending enforcement actions related thereto are dismissed. Single Family SF residential Property parcel Owners are encouraged to maintain preserved native vegetation after site development is completed and to minimize the removal of native vegetation damaged by an extreme weather event such as a storm, hurricane, or other natural disaster. [Ord. 2008-040] [Ord. 2014-001]

Part 5.  ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 33 and 34 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Zoning/ERM]

1. The purpose of this amendment is to modify several references to improve clarity and be consistent with the terminology used within Art. 14.C, Vegetation Preservation and Protection.

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... A series of four bolded ellipses indicates language omitted to save space.
The Applicant shall submit an application to process, must make an estimated preliminary application for an initial Building Permit for the project stamped with a certification by a currently registered architect or engineer within 30 days of.

Section 7 Protection of Native Vegetation Approval – Application, Process, and General Standards

1. Applicability

The following uses and construction shall comply with this Subsection, unless exempted by State Law for Building Permits:

a. MF residential over two units;

b. Commercial or industrial projects;

c. Construction of utilities, road right-of-way, and canals;

d. Schools;

e. Government projects;

f. Agricultural uses ten acres in size or greater; and

g. Other construction, unless exempted by Art. 14.C.8, Exemptions.

2. Pre-Application Appointment

a. PZB Development Permit

The Applicant shall meet with ERM and Zoning Staff, pursuant to the requirements of Art. 7.E.2.A. Pre-Application Appointment. Staff will determine the regulatory authority for the existing native vegetation on the subject parcel. The regulatory authority for the trees shall be established prior to the sufficiency determination on the Tree Disposition approved by ERM and the Zoning Division.

b. Any Other Application Requiring ERM Review of Vegetation

These applications shall follow the requirements and standards of the provisions below.

13. Requirements and Process

a. Projects involving the development of commercial projects, government projects, schools, new construction of a utility, road right-of-way projects, projects requiring DRO review, and agricultural operations of ten acres or greater shall apply to ERM for approval of said project on forms provided by ERM. These applications shall follow the requirements and standards of the provisions below.

Projects that are exempt from the DRO shall not be subject to the requirements of this Subsection.

b. An application shall not be deemed complete until the application fee and all information necessary to fully understand the extent, nature, and potential impacts of a proposed project are received by ERM and approved by ERM prior to the scheduled DRO meeting.

Any additional information required shall be submitted no later than: [Ord. 2008-040] [Ord. 2009-040] [Ord. 2014-001]

1) A completed application form with the notarized signature of the parcel owner or authorized agent of the parcel owner; [Ord. 2008-040]

2) A written explanation of the need and intent of the project and a description of construction or alteration methodologies; [Ord. 2008-040]

3) A site plan or survey with a certification by a currently registered Landscape Architect or an Arborist certified by the International Society of Arboriculture, where applicable, showing all easements and estimated preliminary finished grades for any areas where native vegetation is proposed for preservation.

Both plan view and cross sectional view sketches may be required; [Ord. 2008-040]

4) Parcel information including a location map, a recent aerial photograph with the parcel clearly delineated, and representative color photographs; [Ord. 2008-040]

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.... A series of four bolded ellipses indicates language omitted to save space.
5) Identification of the type and location of native vegetation in the vicinity of, and likely to be affected by the project; [Ord. 2008-040]

6) An Incorporated Vegetation Plan which graphically depicts the location and field tag number for each native tree and palm vegetation to remain undisturbed on the parcel during construction and the natural life of the vegetation. The Incorporated Vegetation Plan may also be required to be incorporated as a feature of the site plan; [Ord. 2008-040]

7) A numbered tabular list/Vegetation Disposition Chart of all native trees/palms surveyed, indicating the type of tree/palm, the DBH or height of clear trunk if palm, and whether the parcel owner proposes to keep the tree/palm in place, relocate it, offer it for surplus, remove it, or mitigate for its removal. The Vegetation Disposition Chart shall list all native Canopy trees with the DBH equal to or greater than six inches, with the exception of Dahoon Holly (Ilex cassine) that shall be measured at DBH equal to or greater than four inches, and native palms with trunk heights equal to or greater than eight feet; [Ord. 2008-040]

8) An overlay of the Vegetation Survey onto the proposed plan as an exhibit for the review for preservation of native vegetation by ERM Staff. The Vegetation Survey must contain a certification stamp from either a currently registered Landscape Architect or an Arborist certified by the International Society of Arboriculture.

9) A completed Vegetation Surplus Form which identifies surplus native vegetation which the parcel owner determines cannot otherwise be used on the parcel and is providing for the use of the Surplus Vegetation Program; and, [Ord. 2008-040]

10) Methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the application for approval. [Ord. 2008-037]

...
e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation. Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. There is no requirement to provide vegetation for surplus. Non-relocatable native vegetation with trunk diameters equal to or greater than six inches that cannot be maintained on the parcel shall be mitigated in accordance with Table 7.E.3.C, Vegetation Credit and Replacement, Native Vegetation Mitigation or through planting equivalent native vegetation, accepted by ERM prior to the receipt of the Certificate of Occupancy for any single-family projects or 75 percent completion of construction of a multi-unit-family projects, based on either total square footage or number of units to be constructed. Native palms with gray wood equal to or greater than eight feet that cannot be relocated must be replaced with native palms of like size. A planting plan that clearly delineates proposed mitigation plantings from any required landscape plantings must be approved by ERM prior to the issuance of the first Building Permit for the project. [Ord. 2008-037] [Ord. 2008-040] [Ord. 2009-040] [Ord. 2018-018]
f. ERM shall also consider: [Ord. 2005-002] [Ord. 2008-003]
1) Alternative designs to limit the removal of native vegetation to the minimum necessary while still allowing the Applicant to accomplish the purpose of the site plan; [Ord. 2008-040]
2) Preserving listed species in place or relocating to buffers, open space, or unimproved portions of the parcel; [Ord. 2008-040]
3) The likelihood of success for relocated native vegetation; [Ord. 2008-040]
4) Mitigation or compensation for the loss of native vegetation; [Ord. 2008-040]
5) Creation of a tree preservation area; [Ord. 2008-040]
6) In lieu of replacement planting, when on-site mitigation has been exhausted or is unavailable, a donation may be made to PBC for the Natural Areas Fund unless an alternative plan that meets the purpose and intent of this Chapter has been approved by the Director of ERM. The donation amount shall be based on the average cost of the schedule provided in ERM PPM #EV-O-350 for the multiplied average cost for purchase, installation, and maintenance for one year of an equivalent number of replacement trees, and [Ord. 2006-036] [Ord. 2008-037] [Ord. 2012-027]
7) Sabal palms may be allowed as replacement plantings for Canopy trees if approved by ERM and planted at three-to-one (palms-to-required replacement trees) based on Table 7.E.3.C, Vegetation Credit and Replacement, Native Vegetation Mitigation, on ten-foot centers, plus or minus one foot, and grouped as shown on a planting plan table approved by ERM. [Ord. 2006-036] [Ord. 2008-040]
g. Complies with any applicable Federal, State, or local designated preserve, conservation, or mitigation area. [Ord. 2008-040]
h. Removes or eradicates prohibited invasive non-native vegetation, as identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002] [Ord. 2008-004] [Ord. 2008-040]
i. Specimen Tree Removal
Removal of any specimen tree (defined in Art. 1.H.2, Definitions) from non-exempt parcels identified in Appendix 7, Specimen Tree List, is prohibited, unless the following criteria are met:
1) The Applicant shall depict on the Site or Subdivision Plan any specimen tree in its original location to the greatest extent possible;
2) If there is no reasonable alternative that allows incorporation of the tree into the parcel design, a specimen tree shall be relocated in a manner to ensure survivability. The applicant shall provide appropriate documentation (e.g. Arboriculture, to ERM for review.

Notes:
Underlined indicates new text.
Strikethrough indicates text to be deleted. Strikethrough and italicized means text to be totally or partially relocated.
If being relocated deletion is noted in bolded brackets [Relocated to: ].
Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].
.... A series of four bolded ellipses indicates language omitted to save space.
Part 7. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 36 of 51, Supplement 26), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [ERM]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. This amendment is to correct a spelling error.</td>
</tr>
</tbody>
</table>

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 7 Protection of Native Vegetation Approval — Application, Process, and General Standards


35. Establishing Native Upland Preserves

All approvals for parcels equal to or greater than four acres shall be evaluated by ERM for the establishment of a native upland preserve. Parcels that have significant or unique areas of native upland vegetation, regardless of parcel size shall be required to designate a native upland preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than one-half acre in size. New public park facilities constructed on parcels 20 acres in size or less shall be exempt from the preserve requirements of this Chapter.

The Applicant shall provide an environmental assessment prepared by an environmental professional for parcels with significant or unique areas of native vegetation at time of initial application to determine the native upland preserve location, size, and configuration for evaluation by ERM. The Applicant is encouraged to meet with ERM to determine the extent of the assessment. The assessment shall include the following with photo documentation, at a minimum: Florida Land Use and Cover Classification System (FLUCCS) map, a list of native species, quality of the native ecosystem, overall identification and quality of the native species, presence of listed species, ecosystem type, uniqueness of wildlife habitat, quality and quantity of native vegetation (canopy, understory, and groundcover), compactness of the preserve, and the proximity to other natural preserve areas and corridors. [Ord. 2019-034]

a. The preserve boundaries shall be designated in a certified survey submitted to ERM for approval. No easements may be located within the boundaries of the preserve. Prior to and during parcel alteration, the preserve boundaries shall be clearly marked and appropriately barricaded. Permanent preserve boundary markers shall be installed and proper documentation submitted to ERM prior to issuance of technical compliance or monitoring release, if applicable, and shall be maintained by the parcel owner in compliance with the approved Preserve Management Plan. The County may release the preserve if the applicant offers to relocate the preserve to an area that meets the criteria in Art. 14.C.7.B.6. Surplus Native Vegetation. [Ord. 2008-040] [Ord. 2019-034]

Part 8. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 38 of 51, Supplement 26), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [ERM]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The purpose of this amendment is to add a performance guarantee requirement to restore native plant communities that have been destroyed during construction or if the project is abandoned.</td>
</tr>
</tbody>
</table>

Notes:
- Underlined indicates new text.
- Strikethrough indicates text to be deleted. Strikethrough and italicized means text to be totally or partially relocated.
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- [...]. A series of four bolded ellipses indicates language omitted to save space.
CHAPTER C  VEGETATION PRESERVATION AND PROTECTION

Section 7  Protection of Native Vegetation Approval – Application, Process, and General Standards

Part 9. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 38 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [ERM]

1. The purpose of this amendment is to add a bond requirement to restore native plant communities that have been destroyed during construction or if the project is abandoned.

CHAPTER C  VEGETATION PRESERVATION AND PROTECTION

Section 7  Protection of Native Vegetation Approval – Application, Process, and General Standards

U:\Zoning\CODEREV\Code Amendments\202002- LDRAB\12-Dec 16 2020\5- LDRAB-LDRC Packet\Exh. B - CR 2019-0022 and 29 Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:
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#### ARTICLE 7 – LANDSCAPING

#### ARTICLE 14 – ENVIRONMENTAL STANDARDS

#### VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29 (Updated 12/01/20)

---

Table 14.C.7.B – Native Vegetation Mitigation

<table>
<thead>
<tr>
<th>Tree or Pine Diameter at 4.5' Above Grade (1)</th>
<th>=</th>
<th>Quantity for Mitigation (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 6&quot;</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>6&quot;-8&quot;</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>9&quot;-11&quot;</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>12&quot;-14&quot;</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>15&quot;-17&quot;</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>18&quot;-20&quot;</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>21&quot;-23&quot;</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>24&quot;-26&quot;</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>≥ 27&quot;</td>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>

Notes:

1. The purpose of this amendment is to add native to the landscape reference indication regulated landscape material.

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Chapter C

#### VEGETATION PRESERVATION AND PROTECTION

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Section 8

#### Exemptions

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E. Landscape Plant Removal

Removal or alteration, from an improved parcel, of native and non-native vegetation installed as landscape, provided the activity complies with the requirements of Art. 7, Landscaping, as amended as follows:

Reason for amendments: [ERM] 1. The purpose of this amendment is to add native to the landscape reference indication regulated landscape material.

---

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---

... A series of four bolded ellipses indicates language omitted to save space.
amended, and no removal or alteration occurs from native upland vegetation buffers, preserves, or jurisdictional wetlands.

Part 11. ULDC Art. 14.C.12, Environmental Standards, Vegetation Preservation and Protection, Violations (page 41 and 42 of 51, Supplement 26), is hereby amended as follows:

Reason for amendment: [ERM]

1. The purpose of this amendment is to reference specimen tree violations and to address removal of native vegetation without a PNV approval.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 12 Violations

A. Violations

A violation shall be:

1. The alteration or removal of one specimen tree, or the alteration or removal of up to 1,500 square feet of native vegetation without an approval from ERM, unless expressly exempt under this Chapter. Alteration or removal of each additional specimen tree and alteration of each additional 1,500 square feet of native vegetation or portion thereof in violation of this Chapter shall constitute a separate and additional violation. [Ord. 2008-040] [Ord. 2009-040]

B. Enforcement

1. To enforce compliance with this Chapter, the County may issue a cease and desist order or require that a Building Permit or CO be withheld. A violation of this Chapter shall be punishable by one or more of the following: [Ord. 2008-040]

   a. Violations involving activities conducted without a valid PNV approval that may otherwise have been permitted will require the submittal of a PNV application, the appropriate application fee and remedies outlined in Art. 10, Enforcement of the Code, or other remedies pursuant to this Article;

   b. Activities conducted with a valid PNV approval that are inconsistent with the stated approval conditions and result in a need to modify the existing approval will require an application to modify the PNV, the appropriate application fee and remedies outlined in Article 10, Enforcement of the Code or other remedies pursuant to this Article;

   c. Remedies outlined in Art. 10, Enforcement, of the Code; [Ord. 2008-003] [Ord. 2008-040]

   d. Any applicable remedies under F.S. ch. 125 and F.S. ch. 162, as amended; [Ord. 2008-003]

   e. PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions to enforce the provisions of this Chapter; and. [Ord. 2008-003] [Ord. 2008-040]

   f. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior to, and with obligations beyond, the effective date of this Chapter, except that violations of Single Family dock permits issued pursuant to the agreement between PBC and the USACOE (adopted as Resolution No. R-89-120 and dated January 24, 1989), shall be referred to the USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the event the DEP directs ERM to enforce a violation of a permit issued under the mangrove delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement provisions herein, in addition to any State-mandated enforcement provisions, shall apply.
EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 5 – SUPPLEMENTARY USE STANDARDS
RECREATION AREAS AND AMENITIES
CR-2020-0018
(Updated 12/08/2020)

Part 1. ULDC Art. 3.E.2.D, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Property Development Regulations (PDRs) (page 147 of 213, Supplement 28) is hereby amended as follows:

Reason for amendments: [Zoning]

1. This amendment proposes a reference being added to the footnotes of Table 3.E.2.D, PUD Property Development Regulations to Art 5.B.1.A.10.b, Setbacks, where the PDRs for Recreation Amenities are located.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 2 Planned Unit Development (PUD)

D. Property Development Regulations (PDRs)

1. Setbacks

For residential development, except MF and Type 3 CLF, building setbacks shall be measured from the inside edge of the perimeter landscape buffers. For MF, Type 3 CLF, and non-residential development, building setbacks shall be measured from the property line, provided the structures do not encroach the landscape buffer. Rear or side setbacks may be reduced pursuant to Art. 3.D.1.D.4, Setback Reductions. [Ord. 2020-001]

Table 3.E.2.D – PUD Property Development Regulations

<table>
<thead>
<tr>
<th>Pod</th>
<th>Lot Dimensions</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF (4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottage Home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZLL (4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neighborhood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preservation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:

1. Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU Designations.
2. The maximum FAR shall be in accordance with Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]
3. Recreation Pod required for Multifamily units, CLFs, or Cottage Homes in an MF Pod or lot may be exempt from the following:
   a. Minimum lot frontage may be reduced or eliminated where the pod does not front on a street, and is located within the MF CLF structures, surrounded by the MF, CLF, or Cottage Homes, or located on a shared driveway. A sidewalk shall be provided from the Recreation Tract to the internal pedestrian network; and [Ord. 2016-042] [Ord. 2020-001]
   b. Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards, Table 5.D.2.B, Property Development Regulations. [Ord. 2016-042] [Ord. 2020-001]
4. SF and ZLL residential units may be allowed to increase building coverage by ten percent subject to the following:
   a. Minimum one story; and [Ord. 2020-001]
   b. Increase in building coverage cannot be in conjunction with other reductions, Waivers, or Variances for building coverage.

Notes:

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A series of four bolded ellipses indicates language omitted to save space.
E. Pods

1. Residential Pod

A Residential Pod shall be designated on the Master Plan as follows:

a. Range of Housing

A PUD in excess of 100 acres and 300 dwelling units shall provide a minimum of two residential use types. A minimum of ten percent of the residential dwellings in a PUD in excess of this threshold shall be of a second use type.

b. Side Loading Garage

A side loading garage is permitted in a SF Pod, subject to a minimum front setback of 15 feet.

Part 2. ULDC Art. 5.B.1.A.10, Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Outdoor Recreation Amenities (pages 23 and 24 of 106, Supplement 28) is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Amendments to Table 5.B.1.A have been proposed in a format consistent with Multiple Use Planned Development (MUPD) Property Development Regulations (PDRs). There is a direct correlation between the setback proposed for a recreation amenity and surrounding uses. Reduced setbacks have been proposed for lots less than 7,500 square feet, and those between 7,500 square feet and one acre in order to increase usability and flexibility of design while still protecting adjacent residential uses.</td>
<td></td>
</tr>
<tr>
<td>2. This amendment also clarifies that for Multifamily Developments, Separation applies for the dimensions shown in Table 5.B.1.A, as these developments do not have residential property lines where setbacks can be taken from.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

10. Outdoor Recreation Amenities

An open-air amenity designed and intended to support recreation activities including but not limited to: basketball courts, tennis courts, playgrounds, and tot lots, excluding those uses regulated elsewhere such as Outdoor Entertainment. [Ord. 2013-001]

a. Principal and Accessory Use

1) Principal Use

Any outdoor recreation amenities owned and operated as a commercial enterprise or in combination with other commercial recreation uses on the same property shall be considered a principal use subject to the PDRs of the applicable district. [Ord. 2011-001] [Ord. 2013-001]

2) Accessory Use

Any outdoor recreation amenities operated by a non-profit assembly, social, civic organization, Property Owners’ Association (POA), or resident of a dwelling unit shall be considered an accessory use. The accessory use shall be located on the same lot as the principal use except if operated by a residential POA. If operated by a POA, the accessory use shall be located within the boundaries of the development, or a Neighborhood Recreation Facility. [Ord. 2011-001] [Ord. 2013-001]

b. Setbacks - General

The following setbacks shall apply to outdoor recreation amenities and equipment, excluding swimming pools and spas, and shall be measured to the edge of the court surface or fence, whichever is more restrictive: [Ord. 2006-004] [Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001]

1) Common Recreation Amenities

Outdoor recreation amenities operated by a non-profit assembly, social, civic organization, or Property Owners’ Association (POA) on a community recreation pod, tract, or designated area, shall be set back a minimum of 50 feet from any residential property line, unless stated otherwise herein comply with the setbacks or separations pursuant to Table 5.B.1.A, Setbacks. [Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001]
2) Residential Lot Recreation Equipment

Recreation equipment located on a residential lot with a Single Family, ZLL, Townhome, Cottage Home or Mobile Home Dwelling, which require issuance of a Building Permit shall comply with the setbacks in Table 5.B.1.A, Setbacks – General.

Table 5.B.1.A – Setbacks – General

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Front</th>
<th>Side</th>
<th>Side Street</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Lot with a Residential Use</td>
<td>25'</td>
<td>7.5' (3)</td>
<td>15'</td>
<td>7.5' (3)</td>
</tr>
<tr>
<td>Recreation ≥ 1 ac</td>
<td>25'</td>
<td>50' (R)</td>
<td>25'</td>
<td>50' (R)</td>
</tr>
<tr>
<td>Recreation ≥ 7,500 sq. ft &lt; 1 ac</td>
<td>25'</td>
<td>25' (R)</td>
<td>25'</td>
<td>25' (R)</td>
</tr>
<tr>
<td>Recreation ≤ 7,500 sq. ft &lt; 1 ac</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
</tr>
</tbody>
</table>

Notes:
1. Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally-conforming. [Ord. 2011-001]
2. Golf course greens, excluding driving ranges, shall be exempt from these setbacks.
3. Setbacks for recreational amenities and equipment may be reduced to five feet on a residential lot with a Single Family, ZLL, Townhome, Cottage Home, or Mobile Home Dwelling, excluding the AR Zoning District. [Ord. 2014-001]
4. Recreation Amenities located within a Multifamily or Congregate Living Facility Development, shall provide a minimum separation of 50 feet between the amenity and the residential structure.

Key:
- C Indicates the setback if the lot is adjacent to a parcel with a non-residential zoning district, FLU, or POD, and does not support a residential use.
- R Indicates the setback if the lot is adjacent to the residential use.

...
EXHIBIT D

ARTICLE 4 – USE REGULATIONS
COMMERCIAL COMMUNICATION TOWER COLLOCATION PROCEDURES
CR-2020-0021
(Updated 12/02/2020)

Part 1. ULDC Art. 4.B.9.F, Use Regulations, Use Classification, Commercial Communication Towers (page 151 and 152 of 199, Supplement 28), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Clarify language related to the collocation procedures which are established for the owner/Applicant and shall occur prior to the submittal of the zoning application for a new tower. Clarify that the Applicant is responsible for providing the notices and any Collocation Application forms to potential users. The completed Collocation Application forms shall be included in the zoning application for a new tower.</td>
</tr>
<tr>
<td>2. Add new requirements under Subsection F.1, Notification within a list of the information required to be included in the Applicant’s Notice to proposed tower users.</td>
</tr>
</tbody>
</table>

**CHAPTER B USE CLASSIFICATION**

**Section 9 Commercial Communication Towers**

**F. Review Procedures Shared Use Application Requirements Collocation Procedures for New Towers Prior to Submitting a Tower Application**

Prior to submittal of an application for approval of a proposed tower for Conditional Use, Development Order Amendment, DRO, or Building Permit Review, all Applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one year of the notice mailing date.

1. **Notification**

   All communication tower Applicants shall provide a notice by certified mail to all users on the Communication Tower Users List. The notice shall invite potential communication tower users to apply to the Applicant, for space on the proposed tower to encourage collocation. A copy of the notice shall be mailed to the Electronic Services and Security and the Zoning Divisions. [Partially relocated from: below] The notice mailing date shall be within one year prior to submitting the zoning application. The following information shall be included in the notice:

   a. description of the proposed tower;
   b. general location;
   c. longitude and latitude;
   d. identify any pre-reserved space on the tower and upon the land area itself;
   e. provide any lease provisions being made available; such as equipment shelter space, space for third party equipment shelter, and provisions of back-up power;
   f. general rate structure for leasing space, which shall be based on reasonable local charges;
   g. proposed tower height;
   h. a phone number to locate the Applicant or an Agent for the communication tower; and,
   i. an application for space on the proposed tower to encourage collocation. [Partially relocated to: above]

2. **Shared Use Application’s Collocation Application**

   Potential communication tower users shall respond to the Applicant’s notice within 20 days of receipt of certified mailing. Response shall be submitted utilizing a shared-use form [Partially relocated from: collocation] the Applicant’s Collocation Application. A completed shared-use form Collocation Application shall be sent to the owner of the proposed communication tower or authorized Agent. The tower Applicant shall not be responsible for a lack of response or responses received after the 20-day period. The Zoning Division Applicant shall provide the shared-use forms to the Collocation Application as part of the zoning application request for the new tower.

3. **Feasibility**

   The feasibility of each shared collocation use request shall be evaluated by the Applicant. The evaluation shall document the feasibility of shared use between collocation on the proposed communication tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include but are not limited to: structural capacity; RF interference; geographic service area requirements; mechanical or electrical incompatibilities; inability or ability to locate equipment on approved and unbuilt communication towers; cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a 25-year period); FCC limitations that would preclude shared use; and, other applicable Code requirements.

**Notes:**
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- **Italics** indicates text to be relocated. Source is noted in bolded brackets. [Relocated to: ]
- **...** A series of four bolded ellipses indicates language omitted to save space.
4. Rejection or Dispute
If the Applicant rejects one or more request(s) for shared use collocation and if potential tower lessees dispute the rejection(s) for shared use collocation, the following procedure shall occur within ten working days after the shared use collocation response deadline.

   a. Submittal
   The Applicant shall submit two copies of the following to the Zoning Division: the Collocation Applications submitted by potential users, a brief evaluation of each rejected response; all design data for the proposed communication tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee.

   b. Consultant
   The Zoning Division shall forward copies of all applications for shared use collocation and the Applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the discretion of the Zoning Division and paid by Applicant who is refusing to allow collocation from an interested service provider.

   c. Evaluation
   Within ten working days of receiving the shared use collocation responses that were rejected by the Applicant and disputed by the potential tower space lessee, the consultant shall review and prepare an evaluation. Two copies of the consultant's evaluations shall be sent to the Zoning Division. One copy of the evaluation shall be made an official part of the communication tower application and one copy of the evaluation shall be forwarded to the Applicant by the Zoning Division. The consultant's report shall be advisory, and made part of the staff report, and considered in reviewing the communication tower application.

5. Acceptance with No Dispute
If the Applicant did not reject any requests for shared use collocation or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary.

...
CHAPTER H  DEFINITIONS AND ACRONYMS

S. Terms defined herein or referenced in this Article shall have the following meanings:

87. Street, Arterial – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a major street of higher classification than a Plan Collector Street, used primarily for traffic traveling considerable distance within or through an area not served by an expressway, of considerable continuity, and used primarily as a main traffic artery.

88. Street, Collector – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a street which carries traffic from Local Streets to Arterial Streets. Collector Streets have more continuity, carry higher traffic volumes and may provide less access than Local Streets.

89. Street, Collector, Non-Plan – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a Collector Street which is not included on the Thoroughfare Plan and which is the highest classification of minor street.

90. Street, Collector, Plan – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a Collector Street which is part of the Thoroughfare Plan, and which is the lowest classification of major street.

91. Street, Cul-de-sac – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a dead end street terminating in a circular vehicular turn-around.

92. Street, Dead End – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a street with only one outlet.

93. Street Frontage – see Lot, Frontage.

94. Street Layout Plan – For the purposes of Art. 3.E.2, Planned Unit Development (PUD), this plan shall provide a method to calculate cul-de-sacs in a PUD. The plan shall show the layout of all streets and clearly identify the streets that are to be included when calculating the cul-de-sacs. [Ord. 2008-037]

95. Street, Limited Access – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a street to which access from abutting property is under the control and jurisdiction of the County pursuant to a limited access easement or other regulatory access restriction.

96. Street, Local Commercial – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a street designed and maintained primarily to provide legal and vehicular access to abutting commercial or industrial lots. A Local Commercial Street is of limited continuity, is not for through traffic, and is the middle order street of minor streets.

97. Street, Local Residential – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a street designed and maintained primarily to provide legal and vehicular access to abutting residential lots. A Local Residential Street is of limited continuity, is not for through traffic, and is the middle order street of minor streets, being of a higher classification than a residential access street.

98. Street, Major – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a street depicted on the adopted Thoroughfare Plan; a Thoroughfare Plan road. Major streets are further classified as Collector Street, Arterial Street, and expressway.

99. Street, Marginal Access – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, a special purpose Local Street which is parallel and adjacent to a Plan Collector
Chapter B Use Classification

Part 2. ULDC Art. 4.B.2.C, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 40, 42, 47, 49, and 57 of 199, Supplement 28), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning/Planning/Land Development]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To modify the requirement that certain uses be located or front on an Arterial/Collector Street, as these criteria exist in the Comprehensive Plan or Art. 11, Subdivision, Platting, and Required Improvements.</td>
</tr>
<tr>
<td>2. Green Market: Remove the Location Criteria requiring vehicular access from Arterial, Collector, or Local Commercial Streets. The requirement for the use to access from an Arterial, Collector, or Local Commercial Street was added to the Code under Ordinance 2017-007 (Use Regulations Project). The reason stated was to minimize the effects on the residential neighborhoods. This use is only allowed in non-residential zoning districts, in which the zoning districts have specific location and access requirements described in Art. 3.B, Overlays, Art. 3.C, Standard Districts, or Art. 3.E Planned Development Districts (PDDs), or Art. 3.F, Traditional Development Districts (TDDs). Additionally, Article 11 has minimum roadway requirements for non-residential uses.</td>
</tr>
<tr>
<td>3. Type 2 Kennel: The 1973 and 1992 Codes required that for this use there be a minimum of 100 feet of frontage along the public street where there is access. The 2003 Code introduced the requirement that it be located on a Collector or Arterial Street. The proposed use is only allowed in non-residential zoning districts or the Commercial Pods of PDDs. Each of these zoning districts require a minimum lot frontage of 100 feet. Article 11 provides for minimum roadway requirements for non-residential uses. In addition, the CG and PDD Zoning Districts are to have frontage and access from Arterial or Collector Roadways. Therefore, the proposal is to remove the requirement if the lot doesn’t meet the minimum frontage requirements for the district, Variances would be required, and the standards of Art. 2.B, Public Hearing Processes must be met to make a decision of approval.</td>
</tr>
<tr>
<td>4. Commercial Parking: Under the review and analysis of the Use Regulations Project, language was added to prohibit access to a Residential Street. The proposed amendment is to clarify the street classification to be consistent with Art. 1.H.2, Definitions and Article 11.</td>
</tr>
<tr>
<td>5. Vehicles Sales and Rental, Light: Ordinance 2015-031 modified the requirements for Indoor Vehicle Sales and Rental to allow for both new and used vehicle sales. It added an exception for a stand-alone use to be exempt from the criteria, provided it had frontage on an Arterial Street. Through the Use Regulations Project, the addition of Planned Collector Street was added. The Vehicles Sales and Rental use is only allowed in CC, CG, CL and CH-MUPD/MXPD Zoning Districts, Commercial Pods of PUDs or PIPDs, and TMDs. Each of these districts have frontage requirements to Arterial or Collector Roadways, and therefore the language is proposed to be stricken. The IL Zoning District does not have specific location requirements, and therefore have clarified that the lot must be adjacent to a Major Road, access to be determined by the lot frontage, and Article 11 requirements.</td>
</tr>
</tbody>
</table>

Notes: Strikethrough indicates deleted text. Strikethrough and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to: ]. Italized indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ]. A series of four bolded ellipses indicates language omitted to save space.
ARTICLE 1 – GENERAL PROVISIONS

ARTICLE 4 – USE REGULATIONS

MINIMUM FRONTAGE, ACCESS, AND ROADS

CR-2018-0021
(Updated 12/08/20)

C. Definitions and Supplementary Use Standards for Specific Uses

17. Green Market

C. Location

Vehicular access shall be from Arterial, Collector or Local Commercial Streets.

[Relocated from: ]

19. Kennel, Type 2 (Commercial)

D. Frontage

A minimum of 100 feet fronting on and access from a Collector or Arterial Street.

[Relocated from: ]

27. Parking, Commercial

C. Access

Access from a Local Residential or Residential Access Streets shall be prohibited.

41. Vehicle Sales and Rental, Light

C. Approval Process

1) Indoor Vehicle Showroom

An indoor vehicle sales and rental facility located in the CG or MUPD districts shall be exempt from the minimum three-acre lot size requirement, and may be permitted subject to DRO approval and the following criteria.

a) Floor Area

A maximum of 30,000 square feet and 15 display vehicles.

b) Test Drives

Test drives shall not be permitted from the Indoor Vehicle Showroom or on site.

c) Vehicle Operations

Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom.

d) Parking

Vehicles for sale or lease shall not be parked or displayed outside of the showroom.

e) Stand Alone Exception

A Stand Alone facility with lot frontage on an Arterial Street or Planned Collector Street, may be exempt from the limitations of a) through c) above, provided that all vehicle display, storage, detailing, or other collocated uses or activities occur indoors.

2) Neighborhood Vehicle Rental Facility

A Neighborhood Vehicle Rental Facility may be permitted in the CN, CC, and CG Zoning Districts; the Commercial Pod of a PUD; PDDs with a CH or CL FLU designation; or, the Neighborhood Center (NC) of a TDD, subject to DRO approval and the following:

Part 3. ULDC Art. 4.B.4.C, Use Regulations, Use Classification, Recreation Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 63 and 65 of 199, Supplement 28), is hereby amended as follows:

Notes:

Underlined indicates new text.

Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to: ].

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### Chapter B: Use Classification

#### Section 2: Recreation Uses

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning/Planning/Land Development]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Arena or Stadium or Amphitheater</strong>: This use has required access from an Arterial Roadway or Major Street since the 1973 Code. During the 2017 Use Regulations Project, Collector Street was added to the Supplementary Use Standards, however without clarification why is was added. The current provisions would allow the use to have access from a non-planned Collector Street, which could have potential conflicts due to their proximity to residential neighborhoods. While the CG, MUPD, and MXPD Zoning Districts have frontage and access requirements to be located on Arterial and Collector type roadways, the PO, IPF, CRE and Commercial Pod of PUD Zoning Districts do not. Because the use has higher traffic volumes, the proposed modifications is to clarify the minimum lot frontage and access is to be from a Major Street, which would be identified on the Thoroughfare Map. These roadways are planned and carry higher volumes of traffic.</td>
</tr>
</tbody>
</table>

| 2. **Entertainment, Outdoor**: This is allowed in the CC (A); CG (A); CRE (D); URAO Overlay (D); IRO CL and CH (D); PUD Commercial Pod (A); MUPD CL (A),CH (A), and CR (P); MXPD CH (A); and, PIPD Commercial Pod (P) Zoning Districts. The proposal is to delete the access requirement, as the CG, CC, and PDD Zoning Districts require access and frontage from Arterial/Collector Roadways. The proposed modification to restrict access to a Residential type street is to prevent impacts on residential neighborhoods, and ensure the roadway is constructed at commercial standards pursuant to Article 11. |

#### Part 4: ULDC Art. 4.B.4.C, Use Regulations, Use Classification, Institutional, Public, and Civic Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 71 and 72 of 199, Supplement 28), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning/Planning/Land Development]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Animal Shelter</strong>: Animal Shelter (previously known as Type IV Kennel) was introduced into the ULDC pursuant to Ordinance 2008-037 with the limitation on Frontage for 100 feet and access from a Collector Arterial Roadway. Animal Shelter is allowed in the CC and CG (A); URAO Overlay and the IR CL and CH (A); IL (A) IG (D); PO and IPF (A); MUPD CL, CH, INST (A); MXPD CH (A); and TMD (A). Although some of the zoning districts have requirements to have frontage and access, others do not. Collector in this limitation is not defined as non-planned or planned. Because it is a non-residential use, the requirements of Article 11 would require it to have access from a Commercial Roadway. The proposal is to modify to prohibit access from a Residential Access or Local Residential Street to prevent impacts on the residential neighborhoods.</td>
</tr>
</tbody>
</table>

| 2. **Cemetery**: Since the 1992 Code, this use has required frontage and access to a Collector or Arterial Street. Staff is modifying the language to prohibit access to a Residential type roadway, and modifying the language proposed for other uses to require a property line to be adjacent a Collector or Arterial Street. |

| 3. **College or University**: Supplementary Use Standards for an administrative approval were added to the Code during the Use Regulations Project in 2017. The proposed amendment is to reduce impacts on residential neighborhoods and ensure location criteria for placement of this use. The language is to ensure placement on Major Roads, and to restrict access on Residential type streets. |

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ARTICLE 1 – GENERAL PROVISIONS
ARTICLE 4 – USE REGULATIONS
MINIMUM FRONTAGE, ACCESS, AND ROADS
CR-2018-0021
(Updated 12/08/20)

EXHIBIT E

CHAPTER B USE CLASSIFICATION

Section 2 Institutional, Public, and Civic Uses

C. Definitions and Supplementary Use Standards for Specific Uses

1. Animal Shelter
   d. FrontageAccess
   Facilities that are open to the public shall have a minimum of 100 feet of frontage on and access from a Collector or Arterial Street. Access from either Local Residential or Residential Access Streets shall be prohibited.

4. Cemetery
   c. FrontageLocation
   Where permitted in a residential zoning district, a Cemetery shall have frontage on and access from the front or side street property line adjacent to an Arterial or a Collector Street. Access from either Local Residential or Residential Access Streets shall be prohibited.

5. College or University
   b. Approval Process
   A College or University may be approved by the DRO, subject to the following:
   1) The property is separated from parcels of land with a residential FLU designation or use by a minimum of 150 feet;
   2) A maximum of 30,000 square feet of GFA; and,
   3) The use has frontage on and access from Where permitted in a residential zoning district, a College or University shall have the front or side street property line adjacent to an Arterial, Collector, or Local Commercial Street. Access from either Local Residential or Residential Access Streets shall be prohibited.

Part 5. ULDC Art. 4.B.5.C, Use Regulations, Use Classification, Industrial Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 84, 87, and 88 of 199, Supplement 28), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning/Planning/Land Development]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Equestrian Waste Management Facility: This use was added to the Code during the Use Regulations Project, pursuant to Ordinance 2017-007. The proposal is to modify the language to be consistent with other Supplementary Use Standards to require the front or side street to be adjacent an Arterial/Collector Roadway due to the intensity of the use. To modify the access requirement to prohibit access for the site from a Residential type street. The access requirements would then have to comply with the higher classified type roadway pursuant to Article 11.</td>
</tr>
<tr>
<td>2. Recycling Center: Access requirements were introduced pursuant to Ordinance 2013-001 to prohibit access to Residential Streets or Local Commercial Streets that serve residential uses. It was modified again in 2017 through the Use Regulations Project to require access only from an Arterial, Collector, or Local Commercial type street, that do not serve residences. The reason was to create location criteria for the use large non-residential developments and/or at intersections. The proposed modifications modifies the Heading to location, to requiring that the front or side street lot to be adjacent to a Commercial type roadway, and that access be prohibited from a Residential type street.</td>
</tr>
<tr>
<td>3. Recycling Plant: Recycling Plant was introduced to the ULDC under Ordinance 92-20, in which it prohibited access from a Residential Street. The language is proposed for modification to clarify the type of Residential Streets and format consistent with other modifications contained herein.</td>
</tr>
<tr>
<td>4. Truck Stop: Modify the access requirements for similarly modified language to ensure the location of this use abutting an Arterial Roadway.</td>
</tr>
</tbody>
</table>
CHAPTER B  USE CLASSIFICATION

Section 5  Industrial Uses

C. Definitions and Supplementary Use Standards for Specific Uses

4. Equestrian Waste Management Facility

   c. Location
   Shall have frontage on and access from the front or side street property line adjacent to an
   Arterial or Collector Street. Access from residential streets shall be prohibited, either Local
   Residential or Residential Access Streets shall be prohibited.

11. Recycling Center

   c. Access Location
   Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not
   serve residential lots. Shall have the front or side street property line adjacent to an Arterial
   or Collector Street. Access from either Local Residential or Residential Access Streets
   shall be prohibited.

12. Recycling Plant

   c. Access
   Access from Local Residential or Residential Access Streets shall be prohibited.
   Entrances shall be gated to prevent access from unauthorized persons.

16. Truck Stop

   b. Location
   Truck Stops shall have a minimum of 200 linear feet of frontage on the front or side street
   property line adjacent to an Arterial Street.
INTER-OFFICE COMMUNICATION

DEPARTMENT OF PLANNING, ZONING AND BUILDING

PLANNING DIVISION

TO: Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board
(LDRAB) wesblackman@gmail.com

FROM: Bryan Davis, Principal Planner
Planning Division

DATE: December 9, 2020

RE: Comprehensive Plan Consistency Determination for Proposed
ULDC Amendments

The Planning Division has determined the proposed ULDC
amendment, Exhibits A-E, of the packet provided by the Zoning
Division and scheduled for the December 16, 2020 LDRAB/ LDRC
meeting is generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an
amendment other than for the purpose of correcting grammatical or
spelling errors.

cc: Patricia Behn, Planning Director
Jon MacGillis, ASLA, Zoning Director
Kevin Fischer, AICP, Deputy Planning Director
Wendy Hernandez, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner
Carolina Valera, Senior Planner
Alexander Biray, Site Planner

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LDRAB/LDRC Meeting December 16, 2020 Page 22